

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 3, 1992
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:00 p.m. Mayor O'Connor adjourned the meeting at 7:15 p.m. to meet in Closed Session on February 4, 1992, at 9:30 a.m., in the 12th Floor Conference Room to discuss pending and potential litigation and meet and confer issues.

ATTENDANCE DURING THE MEETING:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Stevens-present
(5) Council Member Behr-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Filner-present
Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-not present
(3) Council Member Hartley-present

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- (4) Council Member Stevens-present
- (5) Council Member Behr-not present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Father Bill Springer,
Mission Basilica San Diego Del Alcala.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Wolfsheimer.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding money.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A043-058.)

ITEM-PC-2: REFERRED TO THE CITY ATTORNEY AND CITY CLERK

Comments by Bruce Henderson regarding placing Charter
amendments on the June ballot relative to the policy on
settlements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-120.)

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ITEM-PC-3:

Comments by Lincoln Pickard regarding securing our borders.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A121-141.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

1/13/92

1/14/92

1/16/92 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A152-155.)

MOTION BY McCARTY TO APPROVE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: GRANTED HEARING

Matter of the request of Ronald Slayen for a hearing of an appeal from the decision of the Planning Commission in granting Conditional Use Permit CUP-89-0731 to allow a work furlough facility with a maximum of 84 residents. The subject site is within one-quarter mile of a similar care facility. The subject property, consisting of a 9,996-square-foot warehouse building and associated parking lot, is located at 4025 Pacific Highway on the southeast corner of Pacific Highway and Bandini Street and is more particularly described as Lots 1-4 of Block 234 and Lots 181-184 of Block 210, Middletown (Jackson) Partition Map-4134-R. The M-1 zoned site is within the Midway Community Plan area. (CUP-89-0731. District-2.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM-CUP-89-0731

COUNCIL ACTION: (Tape location: A145-151.)

MOTION BY ROBERTS TO GRANT THE HEARING. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-50:

Two actions relative to the Gaslamp Quarter Planned District Ordinance and the Centre City Interim Development and Design Ordinance:

(Districts 2, 3 and 8. Amended on 1/21/92 to bring liquor license, signage and sidewalk cafes under the Redevelopment Agency. The Ordinances are being introduced today to incorporate these amendments. Council voted 8-0. District 8 not present.)

Subitem-A: (O-92-41 Cor.) INTRODUCED, TO BE ADOPTED
FEBRUARY 18, 1992

Introduction of an Ordinance amending Chapter X, Article 3, Division 4, of the San Diego Municipal Code by amending Sections 103.0400, 103.0401, 103.0402, 103.0403, 103.0404, 103.0407, 103.0408, 103.0409, 103.0410, 103.0412, 103.0414 and 103.0416 all relating to the Gaslamp Quarter Planned District.

Subitem-B: (O-92-42 Cor.) INTRODUCED, TO BE ADOPTED
FEBRUARY 18, 1992

Introduction of an Ordinance amending Ordinance O-17533 (New Series), adopted September 24, 1990, as amended by Ordinance Number O-17627 (New Series), adopted April 8, 1991, relating to the Centre City San Diego Interim Development and Design Ordinance.

FILE LOCATION: SUBITEM-A: LAND-Gaslamp Quarter Planned District; SUBITEM-B: LAND-Centre City San Diego Interim Development and Design Ordinance.

COUNCIL ACTION: (Tape location: A170-175.)

CONSENT MOTION BY STALLINGS TO INTRODUCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea,

Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,
Stallings-yea, McCart-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-92-1114) ADOPTED AS RESOLUTION R-279365

Designating the County of San Diego, Department of Health Services, Environmental Health Services, as the Local Enforcement Agency for solid waste issues; authorizing the execution of an agreement with the County of San Diego, Department of Health Services, to provide technical inspection services at City Solid Waste Facilities.

CITY MANAGER SUPPORTING INFORMATION: Assembly Bill 939 (Integrated Solid Waste Management Act of 1989), Division 30, Part 4, Chapter 2 of the Public Resources Code requires the City to designate a Local Enforcement Agency (LEA) to enforce the standards for solid waste handling and disposal. AB-939 also requires that all LEA's be certified by the California Integrated Waste Management Board (CIWMB). On March 4, 1991, pursuant to Council Resolution R-277458, an agreement was executed designating the County of San Diego as the City's LEA for a four year time period and authorizing specific payments during those years for those services. Subsequent to that action the County would not execute the agreement due to contract language issues. County Counsel has revised the agreement, and no substantive changes have resulted. Costs have not changed.

Aud. Cert. 9200551.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A176-183.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-92-1110) ADOPTED AS RESOLUTION R-279366

Authorizing the City Employees' Retirement System to enter into a one year extension of the contract with Northern Trust Company, to provide Custodial Banking services for the City Employees' Retirement System; authorizing the City

Auditor and Comptroller to expend the sum of \$55,000 from Fund 60011 for the one year extension of the contract.

CITY MANAGER SUPPORTING INFORMATION: In 1988, the Retirement Board of Administration and the City Council approved the selection of the Northern Trust Company to provide custodial banking services for the retirement system. This contract was for a three year period beginning December 1, 1988. The Retirement Board of Administration has unanimously approved a recommendation to extend the existing contract with the Northern Trust Company for a one year period. This bank has performed satisfactorily under the terms of its contract. The Retirement System recently implemented a new investment accounting system which electronically interfaces with the custodial bank for data transfer. Because of the complexity of investment accounting, it is deemed prudent by the Retirement Board to extend the existing custodial banking agreement in order to operationally verify the new accounting system. The Board of Administration has negotiated a reduction in the annual base fee of this contract from \$60,000 to \$55,000. It is recommended that the City Council approve the Retirement Board of Administration's request for a one year extension of the contract with the Northern Trust Company.

Aud. Cert. 9200533.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A176-183.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-92-505) ADOPTED AS RESOLUTION R-279367

Authorizing the execution of an amendment to Right of Entry Permit with the Zoological Society of San Diego for the operation and maintenance of a water well in San Pasqual Valley.

(See City Manager Report CMR-92-01. San Pasqual Community Area. District-5.)

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COMMITTEE ACTION: Reviewed by PFR on 1/22/92. Recommendation to approve the City Manager's recommendation. Districts 1, 3, 6 and 7 voted yea. District 8 not present.

FILE LOCATION: LEAS-Zoological Society of San Diego LEAS
FY92-1

COUNCIL ACTION: (Tape location: A176-183.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-92-1025) ADOPTED AS RESOLUTION R-279368

Authorizing the execution of an agreement with the
Zoological Society of San Diego and Signal Landmark,
Inc., for the relocation of the Wild Animal Park's
water line and meter.

(See City Manager Report CMR-92-15. San Pasqual
Community Area. District-5.)

COMMITTEE ACTION: Reviewed by PFR on 1/22/92. Recommendation to
approve the City Manager's recommendation. Districts 1, 3, 6 and
7 voted yea. District 8 not present.
WU-PR-92-057.

FILE LOCATION: WATER-Zoological Society of San Diego and
Signal Landmark, Inc. CONT FY92-2

COUNCIL ACTION: (Tape location: A176-183.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-92-1126) ADOPTED AS RESOLUTION R-279369

A Resolution approved by the City Council in Closed
Session on Tuesday, January 21, 1992 by the following
vote: Wolfsheimer-yea; Roberts-yea; Hartley-yea;

Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea;
Filner-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$270,310.84 in the settlement of each and every claim against the City, Alvaro Flores, Jr., and any other agents or employees of the City, arising from and contained in Superior Court Case No. 641609, Laver v. Flores, et al; authorizing the City Auditor and Comptroller to issue one check in the total amount of \$270,310.84, made payable to plaintiff, Clyde Laver, and his attorney of record, Spencer Busby, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Clyde Laver against the City of San Diego as a result of the incident of April 10, 1991.
Aud. Cert. 9200564.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-183.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-92-774) CONTINUED TO APRIL 6, 1992

(Continued from the meeting of January 6, 1992, Item 171, at the City Manager's request, to brief Councilmember Behr on the matter.)

Amending Council Policy 700-14, entitled "Management of City-owned Properties within the Focused Planning Area of the San Dieguito River Park," regarding incentives to be offered farmers to insure agricultural uses are not phased out of San Pasqual Valley;

authorizing the City Manager, to the greatest extent feasible, to incorporate provisions for housing for permanent farm workers in all new lease agreements for agricultural lands.

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(See City Manager Report CMR-91-500. San Pasqual
Community Area. District-5.)

COMMITTEE ACTION: Reviewed by PFR on 11/27/91. Recommendation
to approve the City Manager's recommendation. Districts 1, 3 and
7 voted yea. Districts 6 and 8 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A158-165.)

MOTION BY BEHR TO CONTINUE THE ITEM TO APRIL 6, 1992, TO
ALLOW AN OPPORTUNITY TO PRESENT THE AMENDMENT TO THE
COMMUNITY PLANNING GROUP FOR REVIEW AND COMMENT. Second by
Hartley. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (R-92-865 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-279370

(Continued from the meeting of January 6, 1992, Item
143, at Councilmember Stallings' request, for a report
from the City Manager.)

Authorizing the execution of an agreement with the
County of San Diego, for general Animal Control
Services, to provide animal regulation services in
Fiscal Year 1992; authorizing the expenditure of an
amount not to exceed \$1,719,824 from the General Fund,
Non-departmental Expenditures (Program 60101), for the
purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: In FY 1989, the City of
San Diego entered into an agreement with the County under which
the County recovers full costs for the provision of general
animal control services. The attached "Amendment Number Three to
Agreement for Animal Control Service" extends the effective
period of the agreement through June 30, 1996. The terms of the
agreement remain the same with the following exception: a
requirement for biannual informational meetings with
representatives from all interested contracting jurisdictions.
The estimated cost for general animal control service for FY 1992
is \$1,563,476.
Aud. Cert. 9200381.

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A185-B022.)

MOTION BY STALLINGS TO ADOPT, ACCEPTING THE CITY MANAGER'S RECOMMENDATION WITH THE FOLLOWING ADDED AMENDMENT AND CHANGE IN DATE FROM JULY 1, 1992 TO JUNE 1, 1992 THAT THE REPORT IS DUE TO COME BACK TO COUNCIL. CREATE A CITY OF SAN DIEGO BLUE RIBBON CITIZEN'S PANEL TO ESTABLISH MEASURABLE GOALS THAT WILL BE INCORPORATED INTO THE COUNTY CONTRACT. THE GOALS SHOULD INCLUDE AN INCREASE OF THE ALTERED PET POPULATION, AN INCREASE IN ADOPTIONS, A DECREASE IN THE ANIMALS DESTROYED, AND AN INCREASE IN THE VOLUNTEERS. THIS PANEL SHOULD CONSIST OF THE FOLLOWING: TWELVE (12) CITIZENS, ONE FROM EACH COUNCIL MEMBER AND ONE FROM THE MAYOR; A REPRESENTATIVE FROM F.O.C.A.S. (FRIENDS OF COUNTY ANIMAL SHELTERS); A VETERINARIAN; A MEMBER OF SNAP (SPAY NEUTER ACTION PROJECT). THIS COMMITTEE SHOULD ALSO BE RESPONSIBLE FOR MONITORING THE ANIMAL SERVICES CONTRACT. ADDRESS, BUT NOT BE LIMITED TO, THE FOLLOWING: AN EFFECTIVE SPAY/NEUTER PROGRAM, COMPREHENSIVE EDUCATION, CONVENIENT SHELTER HOURS, FISCALLY SOUND MANAGEMENT, AND ADOPTION FOLLOW-UP. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-201: TRAILED TO FEBRUARY 4, 1992, DUE TO LACK OF TIME

Submitted by Mel Shapiro:

Amending the City Charter, Section 10-Elections,
Adding: City Council Elections Other Than For the
Mayor Shall be Conducted by Mail Ballot.

(See City Clerk memorandum dated 1/6/92.)

COMMITTEE ACTION: Reviewed by RULES on 1/15/92. Referred to the 2/3/92 City Council meeting, without a recommendation. Districts 1, 2, 7 and 8 voted yea. Mayor not present.

ITEM-202: FAILED

Submitted by Prevent Los Angelization Now (PLAN):
"Police Protection Initiative"
(See City Clerk memorandum dated 1/6/92.)

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COMMITTEE ACTION: Reviewed by RULES on 1/15/92. Referred to the 2/3/92 City Council meeting, without a recommendation. Districts 1, 2, 7 and 8 voted yea. Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D464-F044.)

MOTION BY STEVENS TO PLACE THE ITEM ON THE NOVEMBER BALLOT. Second by Wolfsheimer. Failed by the following vote: Wolfsheimer-nay, Roberts-nay, Hartley-nay, Stevens-yea, Behr-nay, Stallings-nay, McCarty-nay, Filner-nay, Mayor O'Connor-nay.

ITEM-203:

Two actions relative to the preparation of ballot language for the June, 1992 election and the November, 1992 election:

(See City Manager Report CMR-92-30.)

Submitted by the City Manager:

Subitem-A: (R-92-1062) CONTINUED TO FEBRUARY 10, 1992

Directing the City Attorney to prepare the appropriate ballot language to place an amendment to the People's Ordinance of 1919 on the June 1992 ballot: (a) to authorize the collection of fees for residential refuse collection and recycling; and, (b) to provide that the City Council use its "best efforts" to reallocate General Fund monies that would have been used to pay for trash collection to enhance police, fire, library, and community and neighborhood park facilities and services.

Submitted by the City Manager:

Subitem-B: (R-92-1063) DEFERRED/RETURNED TO CITY MANAGER

Directing the City Attorney to prepare the necessary ballot language to place a proposed \$100,000,000 bond issue to fund the acquisition, development and construction of additional open space and park sites, in an Ordinance calling for a Special District Election

to be consolidated with the Statewide General Election
on November 3, 1992;

directing the City Attorney to prepare the ballot
language for Council's consideration and adoption of
the Election Ordinance, which is anticipated to occur
on or about July 27, 1992.

FILE LOCATION: SUBITEM-A: --; SUBITEM-B: AGENDA

COUNCIL ACTION: (Tape location: B448-D418.)

Motion by McCarty to direct the City Attorney to prepare
language for an ordinance authorizing the Council to adopt
programs with free recycling, lifeline allowance, variable
trash rates, large item pick up, litter and graffiti
programs. Second by Wolfsheimer. No vote.

Motion by Common Consent to defer Item 203B for the November
ballot. Yeas: 1,2,3,4,5,6,7,8,M. Nays: None. Not
Present: None.

SUBSTITUTE MOTION BY BEHR TO DIRECT THE CITY ATTORNEY TO
AMEND THE LANGUAGE TO PROVIDE A "BEST EFFORTS" CLAUSE IN IT
WHICH STATES, "THAT THE CITY COUNCIL USE ITS BEST EFFORTS TO
REALLOCATE THE \$26 MILLION IN THE GENERAL FUND MONIES THAT
WOULD HAVE BEEN APPROPRIATED IN FY93 AND IN SUBSEQUENT
FISCAL YEARS FOR TRASH COLLECTION SERVICES TO ENHANCE
POLICE, FIRE, LIBRARY AND COMMUNITY AND NEIGHBORHOOD PARK
AND RECREATION FACILITIES AND SERVICES," AND TO PLACE IT ON
THE JUNE (1992) BALLOT. Second by Hartley. Passed by the
following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea,
Stevens-nay, Behr-yea, Stallings-yea, McCarty-nay,
Filner-yea, Mayor O'Connor-nay.

ITEM-204: CONTINUED TO FEBRUARY 18, 1992

Submitted by the Police Officers Association:
In the matter of a proposed ballot measure, to place
before the voters the question of increasing the number
of police officers.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F046-H089.)

Motion by Hartley to approve an alternative to the proposed ballot measure of the P.O.A. and that Council direct the City Manager to prepare a draft policy to utilize reserve officers in making up the gap between the current 1.65 officers per thousand population to the desired 2.4 officers per thousand by December 31, 1999, as outlined in the proposal for a Police plus Police Reserve partnership. The City Manager is to come back with some recommendations and time line. Second by Mayor O'Connor. No vote.

Substitute Motion by Filner to place the measure on the November 1992 ballot. Second by Roberts. No vote.

Motion by Behr to amend the substitute motion to introduce a review cycle to the police officer's initiative and that this becomes a part of the ballot measure, specifics to be worked on by the City Attorney's Office and brought back to Council. After achieving the ratio of 2.0 sworn officers per thousand, a Special Panel consisting of 1) the Presiding Judge of the Superior Court, 2) the District Attorney, 3) the President of the San Diego Crime Commission, shall be convened annually. The Special Panel shall be convened for the purpose of analyzing the City-wide budgetary impacts of all subsequent implementation of this section subsequent to achieving ratio 2.0. If the panel determines that non-police services would fall below the levels of service in existence during previous fiscal year, the Panel may recommend to the City Council suspension of the implementation of this section. The Special Panel shall submit to the City Council its recommendation no later than 90 days prior to implementation of this section. The City Council may, by majority vote, implement the Special Panel's recommendation. If the City Council accepts the City Council's recommendation to suspend the implementation, the Council, at its option, will either include these officers in the next scheduled increase or extend the implementation schedule by one year to achieve 2.4 sworn officers per thousand. In no event, however, shall the implementation of this section, that is the P.O.A's Initiative, nor shall the implementation of this section, continue beyond the year 2002 without a vote of the people. Second by Roberts. No vote.

Motion by Behr to refer the following to PS&S Committee:
1) The proposal on the Reserve Officers be addressed in terms of how to use that as an enhancement to the greater police force if this measure passes. 2) That the issue of accountability of the Police Department in overall reversing this trend be addressed at PS&S Committee. 3) To determine

how all the communities of the City are going to receive enhanced protection when and if this measure passes. No second. No vote.

MOTION BY McCARTY TO CONTINUE TWO WEEKS, FEBRUARY 18, 1992, TO ALLOW THE CITY MANAGER TO COME BACK WITH A REPORT SHOWING A CORRELATION BETWEEN THE NUMBER OF OFFICERS AND THE REDUCTION IN CRIME AND FIGURES SHOWING WHERE THE NEW REVENUE WILL COME FROM. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-not present, Behr-nay, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400:

Nine actions relative to preparation of or future direction on ballot language for the June 2, 1992 ballot, as follows:

(See City Attorney Report.)

Subitem-A: TRAILED TO FEBRUARY 4, 1992

Term limits.

NOTE: On 11/25/91 Council adopted Ordinance O-17713 to place the Charter amendments to establish a two-term limit for elected officials on the June ballot.

Subitem-B: CONTINUED TO FEBRUARY 10, 1992

Charter amendment to create a Redistricting Commission.

Subitem-C: PLACE ON BALLOT

Charter amendment to require mandatory elections to fill Council vacancies.

Subitem-D: CONTINUED TO FEBRUARY 10, 1992

Restrictions on City franchises.

Subitem-E: CONTINUED TO FEBRUARY 10, 1992

Alcohol ban at City parks and beaches.

Subitem-F: PLACE ON BALLOT

Amendments to People's Ordinance of 1919 (Trash Ordinance).

NOTE: See Item 203A on the regular docket of 2/3/92.

Subitem-G: PLACE ON BALLOT

Transfer of Mt. Soledad Memorial Cross property.

Subitem-H: TRAILED TO FEBRUARY 4, 1992

Appointment and removal of Port District Commissioners.

Subitem-I: TRAILED TO FEBRUARY 4, 1992

Charter amendment prohibiting the City from doing business with anonymous parties.

FILE LOCATION: SUBITEMS C,F,G: MEET

COUNCIL ACTION: (Tape location: B024-418.)

Motion by Roberts to approve the amended language for Item S400B as submitted by Mark Zerbe in public testimony which includes an addition to Page 3 of draft where it states, "The Redistricting Commission shall be composed of seven members who shall be appointed by the Presiding Judge of the San Diego Superior Court. In the event that the Presiding Judge declines to make the appointments, it shall be made by a Superior Court Judge elected by vote of the Judges of the San Diego Superior Court."

Suggest recommending adding the language, "should the Judges of the San Diego County Superior Court decline to select, then the Redistricting Commission shall be appointed by a panel of three retired Superior Court Judges drawn at random by the City Manager in the fashion described in Penal Code Sections 900A and 9002", which are the way the provisions are constituted for the County Grand Jury. "In the event that all of the preceding individuals declines to act, then the Redistricting Commission shall be appointed by a majority vote of the City Council in the fashion set forth below." Second by Wolfsheimer. Motion withdrawn by Roberts to allow the City Attorney to review the proposed language.

MOTION BY WOLFSHEIMER TO CONTINUE ITEM S400B ONE WEEK FOR REVIEW OF AMENDED LANGUAGE. CITY ATTORNEY IS DIRECTED TO REVIEW THE IMPLICATIONS OF LANGUAGE PROPOSED BY MARK ZERBE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY WOLFSHEIMER TO DIRECT THE CITY ATTORNEY TO MAKE SURE THAT NO MATTER WHAT HAPPENS ON EITHER OF THE BALLOT MEASURES FOR ITEM S400C, WHETHER PRO OR CON ON EITHER MEASURE, THAT EVERYTHING IS CONSISTENT AS A RESULT. DIRECT THE CITY ATTORNEY TO INCLUDE LANGUAGE FOR MANDATORY ELECTIONS TO FILL VACANCIES THAT WOULD CITE THAT IF A VACANCY OCCURS 100 DAYS BEFORE A REGULAR MUNICIPAL ELECTION THAT VACANCY CAN BE FILLED WITHIN A SPECIFIED NUMBER OF DAYS AND REFRAIN FROM CALLING A SPECIAL ELECTION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY FILNER TO CONTINUE ITEM S400D FOR ONE WEEK, AS REQUESTED BY MAYOR O'CONNOR, TO REVIEW THE LANGUAGE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO CONTINUE ITEM S400E ONE WEEK, AT MAYOR O'CONNOR'S REQUEST, TO ALLOW TIME FOR THE CITY MANAGER TO CONTACT REPRESENTATIVES FROM THE GROUPS INVOLVED. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Motion by McCarty to direct the City Attorney, relative to The People's Ordinance of 1919 (Items S400F and 203A), to prepare language for an ordinance authorizing the Council to adopt programs with free recycling, lifeline allowance, variable trash rates, large item pick up, litter and graffiti programs. Second by Wolfsheimer. No vote.

SUBSTITUTE MOTION BY BEHR TO DIRECT THE CITY ATTORNEY, RELATIVE TO THE PEOPLE'S ORDINANCE OF 1919 (ITEMS S400F AND 203A), TO AMEND THE LANGUAGE TO PROVIDE A "BEST EFFORTS" CLAUSE, WHICH STATES, "THAT THE CITY COUNCIL USE ITS BEST EFFORTS TO REALLOCATE THE \$26 MILLION IN THE GENERAL FUND MONIES THAT WOULD HAVE BEEN APPROPRIATED IN FY'93 AND IN SUBSEQUENT FISCAL YEARS FOR TRASH COLLECTION SERVICES TO ENHANCE POLICE, FIRE, LIBRARY AND COMMUNITY AND NEIGHBORHOOD

PARK AND RECREATION FACILITIES AND SERVICES," AND TO PLACE IT ON THE JUNE (1992) BALLOT. Second by Hartley. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

ITEM-S401: REFERRED TO CITY ATTORNEY

In the matter of proposed City Charter amendments, regarding parks, for the June 1992 ballot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H115-252.)

MOTION BY ROBERTS TO REFER THE ITEM TO THE CITY ATTORNEY FOR REVIEW AND RECOMMENDATION OF POSSIBLE BALLOT LANGUAGE OF THAT DOCUMENT THAT IS ENTITLED "PROPOSED CHANGES TO CHARTER SECTION 55, PARKS." ALSO, WITH RESPECT TO THOSE OTHER ISSUES INVOLVING THE PARKS, CONTINUE THE DISCUSSION FOR CONSIDERATION OF POSSIBLE ADDITIONS AND CHANGES FOR THE NOVEMBER BALLOT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-not present, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 7:15 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H256-270).